Istituto Affari Internazionali
Inspiring ideas for Italy, Europe and the World

EU Non-Proliferation and Disarmament Consortium
Promoting the European network of independent non-proliferation and disarmament think tanks

Seizing opportunities and playing the long game: An EU agenda for the Weapons of Mass Destruction Free Zone in the Middle East

Aleix Nadal Campos
Research Intern, Istituto Affari Internazionali (IAI)[*]
May 2020

Supervised by:
Ettore Greco, Executive Vice-President, IAI
Federica Dall'Arche, Non-Proliferation and Disarmament Researcher, IAI

ABSTRACT

Up until 2019, the prospects to establish a Weapons of Mass Destruction Free Zone in the Middle East seemed discouraging. On November 2019, however, the Arab States and Iran sat together under the United Nation's auspices to attempt to reinvigorate this regional endeavour. In spite of Israel's non-attendance, participating states agreed to hold an annual conference until a legal text is agreed. Previously, the Arab States and Iran had mostly employed the review process of the Non-Proliferation Treaty as the only forum to formally discuss this issue, which has contributed to the erosion of the NPT's credibility as consensus-building efforts during the review process were undermined by disagreements around this project. Therefore, progress on the Zone becomes crucial to preserve the NPT and, more broadly, international security. Whilst the November Conference offers a glimpse of hope in this regard, the European Union should acknowledge that national military doctrines and path-dependent diplomatic strategies remain stumbling blocks to permanently institutionalise the disarmament and non-proliferation of WMD and their delivery vehicles in the Middle East. As a result, the EU's political engagement with regional states should be anchored in a long-term perspective and it should seek to capitalise on windows of opportunity that may arise in the region and that can alter the states' current red lines.
To conduct the analysis, this paper draws upon secondary literature; official documents from international fora, including statements by governments, working papers, and resolutions from different international bodies; interviews with experts from and outside the region; and the author's participation in the Eight EU Non-Proliferation and Disarmament Conference.

[*] This report has been prepared as part of a research internship at the Istituto Affari Internazionali (IAI) funded by the European Union (EU) Non-Proliferation and Disarmament Consortium as part of a larger EU educational initiative aimed at building capacity in the next generation of scholars and practitioners in non-proliferation policy and programming. The views expressed in this paper are those of the author and do not necessarily reflect those of the IAI, the EU Non-Proliferation and Disarmament Consortium or other members of the network.

Acknowledgments

I am grateful, first of all, to my supervisors Ettore Greco and Federica Dall'Arche, who have provided very valuable support and guidance throughout my research project. I am also thankful to the IAI's researchers from the Middle East division, for contributing to my understanding about the current dynamics underpinning the region, and to the IAI as a whole, for offering a stimulating working environment and logistical support ever since I started the internship. Finally, I would like to thank the experts that agreed to hold personal interviews, whose contributions have been very helpful for this paper.

TABLE OF CONTENTS

1. Introduction

On December 2018, the United Nations General Assembly approved a resolution submitted by the group of Arab States[1], calling upon the UN Secretary General to convene a conference aimed to draft a legally binding treaty to establish a Weapons of Mass Destruction Free Zone in the Middle East (WMDFZME). The Arab's proposal was advanced after repeated attempts to convene a conference had failed to materialise. The UN Secretary General subsequently organised the Conference in November 2019, gathering all states of the Arab League and Iran as well as extra-regional states and international bodies that acted in an observer's capacity, including the European Union[2]. Importantly, both Israel and the United States declined to participate, underscoring the underlying disagreements that have long impeded the creation of the Zone.

The 1968 Non-Proliferation Treaty (NPT), an international treaty that aims to prevent the spread of nuclear weapons and their related technology whilst preserving the right of state parties to enjoy nuclear energy for its peaceful-related benefits, recognises under its article VII the right of states to establish zones devoid of nuclear weapons[3]. In this regard, the WMDFZME has become deeply interwoven with the NPT since the latter's indefinite extension in 1995 was allegedly contingent on an explicit commitment by state parties to actively support the establishment of the Zone. Arab States have since considered that the WMDFZME constitutes the *de facto* fourth pillar of the NPT[4]. In practice, the failure of both the 2005 and 2015 NPT Review Conferences (RevCon) to produce a final consensus-based document has been partly the by-product of the lack of progress on the establishment of such zone. During the Preparatory Committees (PrepComs) for the 2020 RevCon, both the Arab States and Iran have emphatically insisted that progress (or lack thereof) towards the establishment of the Zone would determine the success (or failure) of the latter[5]. In this vein, the 2020 RevCon could represent a *Groundhog Day* where the absence of progress on the Zone could frustrate an agreement on a final document, further eroding the solidity of the NPT.

Convening the November Conference arguably constituted in itself a success insofar as it has reinvigorated the prospects of establishing the Zone. Ever since the failure of the negotiations within the Arms Control and Regional Security framework in the mid-1990s, there has not been a multilateral diplomatic forum to discuss regional security issues and, particularly, regional WMD non-proliferation and disarmament. As a corollary, the November Conference can potentially relieve the NPT from some of the pressure it has endured by moving the Zone's issue to other multilateral fora. And yet, the renewed UN-led process may be soon undermined by regional developments. The erosion of the Joint Comprehensive Plan of Action (JCPOA) and its demise might trigger a nuclear arms race with Saudi

[1] The countries that submitted the proposal were Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Tunisia, United Arab Emirates, Yemen, and the State of Palestine. See UNGA's First Committee, *Convening a Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction* (Decision 73/546), 22 December 2018, https://www.un.org/disarmament/wp-content/uploads/2019/06/73-session-Decisions-text_v2.pdf

[2] November Conference, *Report of the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction on the Work of its First Session* (A/Conf.236/6), 28 November 2019, https://undocs.org/A/CONF.236/6

[3] See the Treaty on the Non-Proliferation of Nuclear Weapons on https://www.un.org/disarmament/wmd/nuclear/npt/text

[4] The NPT is structured along three different pillars, namely (1) nuclear non-proliferation, (2) peaceful use of nuclear energy, and (3) nuclear disarmament. For the fourth pillar, see Tomisha Bino, "The Pursuit of a WMD-Free Zone in the Middle East: A New Approach", London, Chatham House, July 2017, p. 16.

[5] See for instance Bahrain et al., *Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction* (NPT/Conf.2020/PC.I/WP.30), 4 May 2017, para. 8, https://undocs.org/NPT/CONF.2020/PC.I/WP.30

Arabia allegedly investing on nuclear energy partly as a hedging strategy against Iran's perceived nuclear threat[6], given that the dual-use peculiarity of nuclear material can be diverted into weaponization programmes.

The erosion of the NPT and of the JCPOA is tantamount to inflicting irremediable damage to the multilateral architecture of the nuclear non-proliferation and disarmament regime. These trends therefore undermine the objectives of the European Union as highlighted in its 2003 strategy against the proliferation of Weapons of Mass Destruction[7], which places a premium on maintaining the NPT as the cornerstone of the nuclear non-proliferation regime. Furthermore, after the underwhelming performance of the EU on guaranteeing the healthy status of the JCPOA, the EU is in need of gaining credibility in the region and obtaining political capital for its foreign policy activities. The Zone thus provides an opportunity to reaffirm the EU's commitment both to the Middle East and to the multilateral architecture.

The remainder of the paper is structured as follows. First, it reviews the concept of Nuclear Weapon-Free Zones and the existing treaties establishing denuclearised regions. Second, it examines the historical process of the Middle East Zone from its offspring in 1974 up until the 2019 November Conference. Third, it scrutinises the positions of key regional states on different aspects of the Zone. Fourth, it assesses the different proposals that have been advanced to kickstart the Zone process. Fifth, it briefly explores the approach that the EU has adopted with respect to WMD non-proliferation and disarmament, and the initiatives it has conducted towards the Zone. Finally, it offers a set of policy paths that the EU could pursue to contribute to the creation of the Zone.

2. The concept of Nuclear Weapons Free Zone and existing treaties

In 1999, the Disarmament Commission issued a report[8] elaborating on the principles that should guide the establishment of any Nuclear Weapon-Free Zone (NWFZ). According to the report, the initiative should emanate exclusively from states within the region following arrangements *freely* agreed upon by them, while the international community, in particular Nuclear Weapon States (NWS), ought to actively contribute to the process. In essence, a NWFZ is a geographically bounded region whereby countries have committed via a legally binding treaty not to develop, possess, acquire, deploy, transport or test nuclear weapons in their territorial waters, national air space and land territories. Such commitment is reinforced by, at least, the International Atomic Energy Agency's (IAEA) comprehensive safeguards regime to ensure full compliance with the treaty's provisions. Furthermore, these zones envisage a set of obligations for NWS insofar as they are expected to ratify annexed protocols guaranteeing that they will neither use or threaten to use nuclear weapons against zonal countries, nor deploy them in these zones[9].

[6] Pete McKenzie, "America's Allies are Becoming a Nuclear-Proliferation Threat", in *Defense One*, 25 March 2020, https://www.defenseone.com/threats/2020/03/americas-allies-are-becoming-nuclear-proliferation-threat/164057/

[7] Council of the EU, *EU Strategy against Proliferation of Weapons of Mass Destruction*, Brussels, 10 December 2003 (15708/03), https://eeas.europa.eu/sites/eeas/files/st_15708_2003_init_en.pdf

[8] UN Disarmament Commission, *Establishment of Nuclear-Weapon-Free Zones on the Basis of Arrangements Freely Arrived at among the States of the Region Concerned* (A/54/42), 6 May 1999, https://www.undocs.org/A/54/42(SUPP)

[9] Jan Prawitz and James F. Leonard, "A Zone Free of Weapons of Mass Destruction in the Middle East", Geneva, United Nations Institute for Disarmament Research, 1996 (United Nations Publication).

The first proposal to establish a NWFZ can be traced back to the 1958, when Poland formally proposed under the Rapacki-plan to permanently ban nuclear weapons from several Central European countries' territories, including West and East Germany. The proposal fell through given that the West considered nuclear weapons to be a necessary deterrent against the perceived conventional forces' superiority of the Warsaw Pact's countries[10]. Henceforth, five such treaties have entered into force[11], namely the 1967 Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, the 1985 South Pacific Nuclear Free Zone Treaty, the 1995 Southeast Asia Nuclear-Weapon-Free Zone Treaty, the 1996 African Nuclear Weapon-Free Zone Treaty, and the 2006 Treaty on a Nuclear-Weapon-Free Zone in Central Asia[12]. These treaties, which constitute a regional approach to strengthen the nuclear non-proliferation regime, have often entailed extended processes from their conception until their entry into force. In fact, some of these treaties have entered into force in spite of holdout states, with only a subset of regional states initially bound by the treaty's provisions[13].

These basic characteristics notwithstanding, each existing treaty has its own idiosyncrasies that are a result of the specific circumstances of the region. Differences might occur as far as the scope of a treaty is concerned. For example, the Pelindaba Treaty goes beyond the ban on nuclear weapons by additionally restricting certain military activities such as the prohibition to attack nuclear facilities to protect the peaceful use of nuclear energy. The Rarotonga Treaty, which was motivated by France's nuclear testing activities, instead prohibits testing of nuclear explosives and nuclear waste dumping at sea[14]. On the verification mechanisms, while all treaties rely on the IAEA's safeguards system, some have incorporated additional provisions. For instance, the Semipalatinsk Treaty requires countries to ratify the IAEA's Additional Protocol to become a member, while the Tlatelolco Treaty has established a complementary bilateral verification mechanism between Argentina and Brazil whereby scientists can conduct reciprocal monitoring visits[15].

Nuclear Weapon States have eventually signed and ratified the majority of existing treaties, although in some cases they have done so after certain demands were met[16]. The European Union has advocated for the application of NWS' negative security assurances towards third parties[17]. Thus, France and the United Kingdom (as well as Russia and China) have ratified the annexed protocols to all existing treaties with the exception of the Bangkok Treaty, whilst the United States has only ratified the Tlatelolco Treaty. NWS have opposed the ratification of the South Asian treaty on the ground that the definition on the territory covered encompasses exclusive economic zones that these states consider as international

[10] Michael Hamel-Green, "Regional Initiatives on Nuclear- and WMD-Free Zones. Cooperative Approaches to Arms Control and Non-Proliferation", Geneva, United Nations Institute for Disarmament Research, 2005 (United Nations Publication), p. 24.

[11] There are three additional treaties banning the presence of Weapons of Mass Destruction in non-populated areas: the 1967 Outer Space Treaty, the 1971 Sea-bed Treaty, and the 1959 Antarctic Treaty. In 1992, Mongolia also declared its Nuclear Weapon-Free Zone Status, becoming the first nation to voluntarily ban nuclear weapons on its territory.

[12] These treaties are also known as the Tlatelolco Treaty, the Rarotonga Treaty, the Bangkok Treaty, the Pelindaba Treaty, and the Semipalatinsk Treaty, respectively.

[13] Patricia Lewis and William C. Potter, "The Long Journey Toward a WMD-Free Middle East", in *Arms Control Association,* August 2011, https://www.armscontrol.org/act/2011-08/long-journey-toward-wmd-free-middle-east

[14] Marc Finaud, "The Experience of Nuclear Weapon-Free Zones", London, British American Security Information Council, May 2014.

[15] Jan Petersen, "Experience of Possible Relevance to the Creation of a Nuclear-Weapon-Free Zone in the Middle East", in *IAEA Publications,* 22 November 2011.

[16] In the case of the Semipalatinsk Treaty, France, the UK and the United States argued that the treaty's provision of respecting previous commitments implied that Russia could employ its nuclear deterrence on the region under the 1992 Collective Security Treaty Organization. The UK and France, however, have eventually ratified the protocol.

[17] European Union, *Nuclear Non-Proliferation* (NPT/Conf.2020/PC.I/WP.7), 20 March 2017, para. 19, https://undocs.org/NPT/CONF.2020/PC.I/WP.7

waters[18]. In contrast, the United States has put forward a set of criteria which must be fulfilled for the US to agree upon negative security assurances. Amongst others, a treaty should not undermine its national interests and should not be detrimental to the exercise of rights under international law, including freedom of navigation and overflight as well as the right of innocent passage of territorial seas[19].

The global nuclear non-proliferation regime has the 1968 NPT as its backbone. Nuclear Weapon-Free Zones constitute a regional-based effort to invigorate the regime by extending the NPT's provisions. At a minimum, these regional initiatives represent a hedging strategy against the possibility that the global regime collapses, as regional states would remain bound by commitments on nuclear non-proliferation. In other words, their existence replicates and reinforces non-proliferation norms at the structural level. Furthermore, NWFZs prohibit the stationing and deployment of nuclear weapons in Non-Nuclear-Weapon States' territories, which is not categorically forbidden by the NPT. In fact, given that extra-regional states often play a role in the ontological security of regional states, NWFZs may enhance regional security by the negative security assurances required by NWS. Finally, the possibility to implement regional verification mechanisms can act as an effective confidence-building measure that triggers regional cooperation in different economically productive sectors, including in the field of nuclear energy for its peaceful uses[20]. In short, these zones can provide added value to both regional security and the non-proliferation regime.

3. The Weapons of Mass Destruction Free Zone in the Middle East

None of the existing NWFZs included regional states with nuclear weapons at the time of their entry into force[21]. Therefore, the Middle East Zone might become the first enterprise to incorporate a nuclear reversal program to address the alleged nuclear arsenal of Israel. To wit, while hitherto treaties have been tailored for non-proliferation purposes, the Middle East Zone could be the first zonal initiative in which nuclear disarmament is envisaged. The history of the Zone, however, has been fraught with discontinuities and uncertainties.

3.1 The path towards the WMDFZ project

The idea of a Nuclear Weapon-Free Zone in the Middle East was first advanced in 1962 by an Israeli civil society organisation named the Committee for the Denuclearization of the Middle East[22]. However, the idea did not enter the official channels until 1974 when Iran and Egypt submitted a joint proposal to the

[18] Roberta Mulas, "Nuclear Weapon Free Zones and the Nuclear Powers", in *Academic Peace Orchestra Middle East*, No. 5 (December 2011), p. 4.

[19] Linda Mari Holøien, "Weapons of Mass Destruction Free Zones in the Middle East", Kjeller, Norwegian Defence Research Establishment, 2006 (FFI Report 02488), p. 15.

[20] For an extended overview of the added value of these regional initiatives, see Harald Müller, Aviv Melamud and Anna Péczeli, "From Nuclear Weapons to WMD: The Development and Added Value of the WMD-Free Zone Concept", in *Non-Proliferation Papers*, No. 31 (September 2013), p. 1-19.

[21] South Africa had unilaterally dismantled its nuclear arsenal before the Pelindaba Treaty entered into force. The Pelindaba Treaty had a 'come clean' clause according to which member states had to declare their nuclear weapons programmes and either convert them for peaceful purposes or dismantle them completely. Yet, no member states had readily available nuclear weapons.

[22] Nabil Fahmy and Patricia Lewis, "Possible Elements of an NWFZ Treaty in the Middle East", in Kerstin Vignard (ed.), *Nuclear-Weapon-Free Zones*, Geneva, United Nations Institute for Disarmament Research, June 2011 (Disarmament Forum), p. 39-50.

UN General Assembly[23]. The initiative was intended to achieve strategic parity between Israel and other regional states by dismantling Israel's alleged nuclear arsenal, after Egypt had abandoned its initial nuclear project[24]. The initiative was subsequently approved by General Assembly Resolution 3263. From 1980 onwards, similar resolutions were annually approved without a vote as Israel halted its hitherto abstention policy and endorsed the resolutions, arguably demonstrating that all Middle Eastern countries were in principle supportive of the initiative[25].

After the Iraq-Iran War (1980-1988) in which Saddam Hussein's regime employed chemical weapons, the Egyptian President Hosni Mubarak proposed to extend the scope of the Zone to encompass all Weapons of Mass Destruction in 1990. The following year, in light of the discovery of Iraq's secret WMD programme, the UN Security Council adopted Resolution 687 implicitly endorsing Mubarak's proposal by calling upon regional states to establish a WMD and their delivery vehicles Free Zone in the Middle East[26]. Henceforth, the Zone project has been envisioned according to such resolution, thereby going beyond the initial proposal to exclusively include nuclear weapons.

3.2 The Arms Control and Regional Security Working Group

The Arms Control and Regional Security (ACRS) represented the first official initiative aimed at achieving a security cooperative regime in the Middle East. It emerged from the 1991 Madrid Conference[27] as one of the five multilateral groups that were established in parallel to the bilateral talks intended to forge peace between Israel and its neighbouring states[28]. Six ACRS plenary sessions were held between 1992 and 1994, which were complemented by inter-sessional activities, adopting a "multi-baskets approach". Such approach was composed, on one hand, by an *operational basket* addressing the possibility to create confidence-building measures to deliver tangible results in the medium-term. On the other hand, by a *conceptual basket* focused on longer-term issues, *inter alia*: regional threat perceptions, principles guiding the regional security order and the question of WMD disarmament[29]. Extra-regional states played an important role throughout the process, both by co-sponsoring the process in the case of Russia and the United States, or by providing expertise on setting up confidence-building measures in the case of other Western countries[30].

This design entailed that nuclear disarmament was detached from the discussion on confidence-building measures. In fact, the underlying logic of the framework was based on putting *weapons in context* insofar as it was understood that addressing security concerns and threat perceptions was a

[23] Benjamin Hautecouverture and Raphaëlle Mathiot, "A Zone Free of WMD and Means of Delivery in the Middle East: An Assessment of the Multilateral Diplomatic Process, 1974-2010", Brussels, EU Non-Proliferation Consortium, July 2011 (Background paper), p. 1-21.
[24] Tomisha Bino, "The Pursuit of a WMD-Free Zone in the Middle East…", *cit.*
[25] Benjamin Hautecouverture and Raphaëlle Mathiot, "A Zone Free of WMD…", *cit.*
[26] *Ibid.*
[27] The 1991 Madrid Conference, co-sponsored by the United States and Russia, was a diplomatic attempt to reinvigorate the Israeli-Palestinian peace process through negotiations involving Israel, Palestine and other Arab countries.
[28] The bilateral talks included Israel, Jordan, Lebanon, the Palestinian Authority and Syria.
[29] Peter Jones, "The Arms Control and Regional Security Working Group: Still Relevant to the Middle East?", Brussels, EU Non-Proliferation Consortium, July 2011 (Background paper), p. 1-13.
[30] Jill R. Junnola, "Confidence-Building Measures in the Middle East: Developments in the Arab-Israeli Peace Process, the Arabian Peninsula, and the Persian Gulf", in Michael Krepon et al. (eds), *A Handbook of Confidence-Building Measures for Regional* Security, 3rd ed., Henry L. Stimson Center, 1998, p. 47-75.

necessary condition to eventually achieve WMD disarmament[31]. As a result, it was expected that confidence-building measures would precede any progress on disarmament. This process tended to lean towards Israel's preferences rather than Arab States'. Whilst the ACRS Working Group did not yield any tangible outcome, participating states agreed on a set of confidence-building measures that were not explicitly related to WMD disarmament[32]. These measures, however, were never implemented.

By the end of 1994, the multilateral track found itself deadlocked as the Arab States were increasingly obstructing progress on different issues given the perceived absence of progress on the Palestinian question and Israel's reluctance to address its alleged nuclear arsenal. During the 1995 plenary, Egypt threatened not to further engage in the multilateral process alluding to the absence of Israel's nuclear issue on the agenda. As it turned out, that plenary was to be the last one, and while some working groups continued functioning, they gradually ceased to meet given the lack of support from the plenaries[33]. The failure of the ACRS was influenced by both idiosyncratic factors - related to the framework itself - and structural ones. As an example of the former, key states did not participate in the multilateral track (i.e. Iraq, Iran, Syria and Lebanon) and this had repercussions throughout the process. Israel claimed that Iran constituted a potential nuclear threat and, as such, it should have been involved in the conversations if Israel was to accept concessions on the nuclear question[34]. On a broader level, the ACRS talks were mostly geared towards the Israeli-Palestinian conflict, neglecting other fault lines underpinning the region, as Gulf countries were more concerned about Iran and Iraq than about Israel[35].

The concomitant bilateral talks produced linkages with the multilateral track. There was a widespread belief across the Arab States that the ACRS Working Group should have followed, rather than lead, progress on bilateral security negotiations. They feared that advancing exclusively on the multilateral framework would have contributed to the normalisation of ties with Israel before the latter had committed to resolve the Palestinian question[36]. Likewise, linkages were increasingly established between the operational and the conceptual basket, namely the Arab States insisted that further progress on confidence-building measures was contingent on Israel adopting early steps towards nuclear disarmament[37].

The multilateral process, however, was embroiled in structural problems too. For one, Egypt believed that any action that rendered the nuclear issue secondary during the talks implicitly undermined its self-perceived leadership role in the Arab world[38]. As the negotiations continued, some Arab States began to acquiesce to the Israeli approach of regional peace preceding nuclear disarmament. For instance, in the framework of the 1994 Israel-Jordan peace treaty, Jordan acknowledged that WMD disarmament

[31] Emily Landau, "ACRS: What Worked, What didn't, and What Could Be Relevant for the Region Today", in Kerstin Vignard (ed.), *Arms Control in the Middle East*, Geneva, United Nations Institute for Disarmament Research, July 2008 (Disarmament Forum), p. 13-20.
[32] Bruce Jentleson, "The Middle East Arms Control and Regional Security Talks: Progress, Problems, and Prospects", San Diego, University of California, January 1996 (Policy Paper 26).
[33] Peter Jones, "Arms Control in the Middle East: Some Reflections on ACRS", in *Security Dialogue*, Vol. 28, No. 1 (March 1997), p. 57-70.
[34] Jill R. Junnola, "Confidence-Building Measures in the Middle East…", p. 50, *cit.*
[35] Peter Jones, "Negotiating Regional Security and Arms Control in the Middle East: The ACRS Experience and Beyond", in *Journal of Strategic Studies*, Vol. 26, No. 3 (2003), p. 137-154.
[36] Peter Jones, "The Arms Control and Regional Security Working Group…", *cit.*
[37] *Ibid.*
[38] Emily Landau and Dalia Dassa Kaye, "Disarmament Efforts in the Region: Lessons from the Arms Control and Regional Security Talks", in Bernd W. Kubbig and Sven-Eric Fikenscher (eds.), *Arms Control and Missile Proliferation in the Middle East*, 1st ed., New York, Routledge, 2012, p. 27-38.

would only be achieved following inter-state reconciliation and lasting regional peace[39]. Egypt grew concerned and gradually sought to stall further progress in the negotiations, not least because adopting a tough stance on the politically sensitive nuclear issue signalled to other Arab states that Egypt remained a key regional player in the rapidly changing Middle East[40]. Political rather than security factors distorted the negotiation process.

Power asymmetries between Israel and the Arab States further contributed to the deteriorating prospects of the ACRS talks. Whilst Egypt and other Arab States attempted to frame the scope of the conversations around the nuclear issue and the role that the IAEA would play on the verification aspect of nuclear disarmament, Israel sought to extend the scope by including chemical and conventional weapons and advocating for the creation of a regional verification mechanism that would conduct the functions of the IAEA[41]. In this vein, the Arab States led by Egypt pressured Israel into acceding to the NPT as a necessary condition for concessions on their side.

3.3 The NPT process

After the 1991 UN Security Council Resolution 687, the Zone initiative was formally discussed in two parallel fora, namely the ACRS talks and the review cycles of the NPT[42]. The NPT was initially designed to remain in force for a fixed period of 25 years, liable to an extension at its 1995 Review Conference. Prior to such conference, Egypt conducted an extensive campaign to link the indefinite extension of the NPT to the de-nuclearization of Israel and the subsequent establishment of the Zone. However, Gulf and North African countries displayed little enthusiasm for such strategy, thereby weakening Egypt's position[43]. Eventually, the indefinite extension of the Treaty was achieved by agreeing on the 1995 Middle East Resolution[44], which called upon NPT parties and Nuclear Weapon States to actively support the establishment of the WMD and their delivery vehicles Free Zone in the Middle East and urged Middle Eastern countries to accept IAEA's comprehensive safeguards on all operating nuclear facilities[45] and to accede to the NPT.

The Middle East Resolution favoured Israel in detriment to Egypt as Israel was not forced into changing its basic policy of not acceding to the NPT nor it was forced to curtail the activities of its Dimona facility. Furthermore, thanks to the process leading up to the 1995 RevCon the country strengthened its cooperation with the United States, the latter of which has ever since adopted Israel's view of tying regional security with nuclear disarmament[46]. In contrast, Egypt's diplomatic efforts were met with mixed results. On one hand, Egypt failed to become the leader of the Arab world as its positions were increasingly viewed with scepticism. Eventually, its role was somewhat replaced by South Africa, which became a bridge between the Non-Aligned Movement and Western countries throughout the review process. On the other hand, with the collapse of the ACRS talks, the NPT remained the only official forum

[39] Bruce Jentleson, "The Middle East Arms Control and Regional Security Talks…", p. 10, *cit.*
[40] Emily Landau and Dalia Dassa Kaye, "Disarmament Efforts in the Region…", *cit.*
[41] *Ibid.*
[42] At that point, the UN's role consisted on annually approving similar resolutions through the UN General Assembly. See Benjamin Hautecouverture and Raphaëlle Mathiot, "A Zone Free of WMD…", *cit.*
[43] Gerald M. Steinberg, "Middle East Peace and the NPT Extension Decision", in *The Nonproliferation Review*, Vol. 4, No. 1 (1996), p. 17-29.
[44] NPT Review Conference, *1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons* (NPT/Conf.1995/32), 1995, https://undocs.org/pdf?symbol=en/NPT/CONF.1995/32(PARTI)
[45] It was a clear reference to the Dimona nuclear facility, where it is suspected that Israel has its nuclear weapons' program.
[46] Gerald M. Steinberg, "Middle East Peace and the NPT Extension…", p. 25-6.

in which the zone was discussed, leaving the review cycle as the only mechanism for Egypt to maintain pressure on Israel while contributing to framing the Zone as a nuclear disarmament issue[47].

The 2000 and 2005 Review Conferences did not yield any meaningful outcome on the Zone. In light of this, at the insistence of the Arab States and Iran, the 2010 RevCon's final document[48] urged the UN Secretary General and the depositary states of the NPT (i.e. the United States, the United Kingdom and Russia) to kickstart the Zone process by appointing a facilitator and convene a conference among regional states by the end of 2012. Whilst the final document was agreed upon by consensus, such proposal was arguably dead upon arrival. Soon after it was published, the Obama administration distanced itself from the proposal on the ground that it was approved under the NPT's auspices, of which Israel is not a participant[49]. The US, instead, has advocated for direct engagement among regional states as Israel had long demanded[50]. A facilitator was appointed in the name of the Finnish Ambassador Jaakko Laajava, but his nomination came later in the process, leaving a short window to conduct shuttle diplomacy and secure the participation of all regional states to the aforementioned conference. Predictably, the conference was postponed *sine die*[51].

3.4 From the Glion/Geneva process to the November Conference

After the postponement of the Conference, Ambassador Jaakko Laajava convened five meetings in Glion and Geneva gathering representatives of the Arab States, Israel and Iran in order to discuss the content and possible timetable for the Conference. However, after the first meeting, it was publicly revealed that Iran's officials were secretly and bilaterally meeting their Israeli counterparts. In response to such revelations, Iran suspended its participation to the process and the subsequent meetings were attended only by the Arab States and Israel[52]. Although the Glion/Geneva process did not achieve concrete results, it represented the first time - after the ACRS talks - that Arab States and Israel managed to (informally) discuss regional security questions outside the UN's auspices. More importantly, the process elucidated on the degree of politicisation that persists within the region in any direct diplomatic engagement with Israel, outside the UN auspices or any other multilateral framework[53].

The most recent multilateral diplomatic effort has been the November Conference that took place (mostly behind closed doors) in 2019 after it was called upon by the UN General Assembly. The Conference gathered all members of the Arab League, Iran as well as observing states including the European Union. Yet, both Israel and the US declined to participate on the ground that this initiative constituted an instrument wielded by the Arab States and Iran to exert external pressure on Israel. This process, under the UN auspices, is set to be held annually on November with the aim of agreeing on a legally binding treaty establishing the Zone, albeit the first meeting was solely intended to generate

[47] *Ibid.*, p. 26.
[48] NPT Review Conference, *2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons* (NPT/CONF.2010/50), 2010, https://undocs.org/NPT/CONF.2010/50%20(VOL.I)
[49] Patricia M. Lewis, "All in the Timing: The Weapons of Mass Destruction Free Zone in the Middle East", London, Chatham House, August 2014, p. 8.
[50] For a comprehensive overview of the US position, see United States of America, *Establishing Regional Conditions Conducive to a Middle East Free of Weapons of Mass Destruction and Delivery Systems* (NPT/CONF.2020/PC.II/WP.33), 19 April 2018, https://undocs.org/NPT/CONF.2020/PC.II/WP.33
[51] Patricia M. Lewis, "All in the Timing: The Weapons of Mass Destruction…", *cit.*
[52] *Ibid.*
[53] For more information on the Glion/Geneva process, see Bernd W. Kubbig and Marc Finaud, "Bridging the Most Fundamental Gap: By Simultaneously Pursuing Disarmament and Regional Security", in *Academic Peace Orchestra Middle East*, No. 3 (September 2017).

momentum for future negotiations[54]. Thus, participating states agreed on a political declaration[55] that reflected the intention of attending states to continue to engage in an inclusive manner, invoking terms such as 'regional security' and 'confidence-building measures' to lure Israel into future sessions.

The existence of the November Conference reinstates a second and parallel pathway towards the creation of the Zone in addition to the NPT track, potentially relieving the latter from some of the pressure that it has endured due to Zone-related issues. Yet, the Conference emphasised the recurrent tension among regional states on whether to shift away from the NPT towards the UN-led process, with some countries insisting on maintaining both frameworks in parallel[56]. Furthermore, the 2019 PrepCom witnessed the Arab States and Iran consistently introducing the Zone into the agenda, making any decoupling from the NPT seemingly difficult[57]. The Conference also highlighted other disagreements, particularly over whether delivery vehicles should be eventually included in the scope of the treaty[58]. Therefore, the outcomes suggest that even if all regional states accept to negotiate a legal text and overcome the pre-negotiation stage's stalemate, other substantive obstacles remain in subsequent stages.

4. Positions of key regional states in the pre-negotiation stage

While the November Conference is an attempt to advance into the negotiation of a treaty text, the non-participation of Israel and the absence of a clear timetable and other procedural questions imply that the WMDFZME remains stuck in the pre-negotiation phase[59]. The positions of key regional states and their concomitant red lines may also constitute obstacles in follow-up phases. For instance, as the 'Middle East' is a political construction rather than a geographical entity, the prospective inclusion of certain states might have far-reaching ramifications. Notably, the inclusion of Turkey, a nuclear umbrella state, might result in the withdrawal of US tactical nuclear weapons from its soil, thereby threatening the current NATO's nuclear deterrence policy[60]. Nevertheless, this section focuses on the obstacles that have long besieged the pre-negotiation stage, as produced by the different positions of regional states.

The first obstacle relates to the 'chicken or the egg' dilemma. Arab States and Iran have long advocated for early nuclear disarmament by calling upon Israel to join the NPT as a non-nuclear weapon state on the ground that it would lead to an improvement of the regional security environment. In contrast, Israel has adopted the inverse approach, contending that disarmament can only occur in the context of

[54] Tomisha Bino, "Prospects and Challenges of the WMDFZ in the Middle East", in *Eight EU Non-Proliferation and Disarmament Conference* (13 December 2019), https://www.youtube.com/watch?v=FM0dmO8PJjs&list=PLlBLU211Zhenvhe4HE_vDwV1JnuaOnaWd&index=3

[55] November Conference, *Political Declaration Adopted at the First Session of the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction* (A/Conf.236/6), 28 November 2019, https://www.un.org/disarmament/wp-content/uploads/2019/12/A-conf-236-6-annex.pdf

[56] Personal interview with expert that attended the November Conference.

[57] See for instance Islamic Republic of Iran, *Establishment of a Nuclear-Weapon-Free Zone in the Middle East* (NPT/CONF.2020/PC.III/WP.9), 20 March 2019, https://undocs.org/NPT/CONF.2020/PC.III/WP.9. See also Group of Arab States, *Specific Regional Issues and Implementation of the 1995 Resolution on the Middle East* (NPT/CONF.2020/PC.III/WP.20), 26 March 2019, https://undocs.org/NPT/CONF.2020/PC.III/WP.20

[58] Tomisha Bino, "Prospects and Challenges of the WMDFZ…", *cit.*

[59] The negotiation process of a WMDFZ can be broken down into the pre-negotiation phase; the negotiation phase; the entry-into force phase; the institution-building phase; and the implementation phase. See Jan Prawitz and James F. Leonard, "A Zone Free of Weapons of…", p. 75-91, *cit.*

[60] Pierre Goldschmidt, "A Realistic Approach Toward a Middle East Free of WMD", in *Carnegie Endowment for International Peace*, 07 July 2016, https://carnegieendowment.org/2016/07/07/realistic-approach-toward-middle-east-free-of-wmd-pub-64039

regional peace[61]. As a corollary, Israel has endorsed the creation of confidence-building measures among regional states unrelated to WMD capabilities, while Arab States and Iran have criticised this approach as part of Israel's long-corridor strategy, namely the perception that Israel seeks a protracted process by dividing a negotiation item into smaller steps until disarmament issues are elbowed aside[62]. In practice, this issue of sequencing had entangled the ACRS talks into endless discussions and contributed to its collapse.

The framework in which to conduct negotiations has also been a point of contention. Arab States and Iran have traditionally endorsed the NPT as the appropriate avenue to discuss the Zone[63] and hence their lobbying campaign to link the extension of the NPT to the state parties' commitment to contribute to progress on the Zone back in 1995. During the November Conference some Arab States displayed their willingness to discuss the project under the UN's auspices, abandoning the NPT track[64]. Yet, Egypt remains firmly opposed to this move[65]. In its view, regional states have few instruments to pressure Israel into the negotiating table, and as such maintaining the NPT as a forum to discuss Zone-related issues constitutes a bargaining chip to extract commitments from Nuclear-Weapon States and an asset to put pressure on Israel. Indeed, Israel sees the NPT as ill-suited to conduct regional talks since it cannot technically influence its outcomes as a non-state party, and therefore any resolution promoted by Arab States and Iran is perceived as a coercive action against Israel[66]. Instead, Israel supports a regional forum to organise a direct dialogue with other regional states and design a new security architecture for the Middle East[67].

At the core of these disagreements lies the ultimate objectives of each regional country. For Israel, any negotiations in the context of the WMDFZ in the Middle East are an instrument to normalise diplomatic relations with regional countries and achieve regional peace[68]. This normalisation, however, is technically off the table so long as the Israeli-Palestinian conflict is not concluded and Israel withdraws from the occupied territories and a just settlement for Palestinian refugees is reached, as the still supported 2002 Arab Peace Initiative has called for[69]. As the Glion/Geneva process shows, directly engaging with Israel is a highly politicised issue for Arab States and Iran, which complicates any renewed diplomatic efforts in such format. For the latter countries, the Zone represents a path to dismantle Israel's nuclear arsenal and narrow the gap in military capabilities between Israel and the rest of the region[70]. In short, the WMDFZ in the Middle East is solely a means to distinct ends for the regional actors involved.

---

[61] Mark Fitzpatrick, "Towards a More Secure and WMD-Free Middle East", London, United Nations Association of the UK, May 2012 (UNA-UK Briefing Report No.2), p. 14.

[62] Shemuel Meir, "A Comprehensive Israeli Concept for a WMD/DVs-Free Zone in the Middle East/Gulf", in *Academic Peace Orchestra Middle East*, No. 15 (June 2018), p. 1.

[63] Tytti Erästö, "The Lack of Disarmament in the Middle East: A Thorn in the Side of the NPT", Stockholm, Stockholm International Peace Research Institute, January 2019 (SIPRI Insights on Peace and Security No. 2019/1).

[64] Personal interview with an expert that attended the November Conference.

[65] Personal interview with an Egyptian expert.

[66] Nir Hassid, "Thinking Outside the Box: Preserving the NPT while Advancing the Middle East Weapons-of-Mass-Destruction-Free Zone", in *Non-Proliferation Review,* Vol. 24, No. 1-2 (October 2017), p. 155-166.

[67] Israel, *Towards a Regional Dialogue in the Middle East: An Israeli Perspective* (NPT/CONF.2015/36), 30 April 2015, https://undocs.org/NPT/CONF.2015/36. Israel is not a party to the NPT, but it participated in the 2015 RevCon as an observer state.

[68] Tomisha Bino, "The Pursuit of a WMD-Free Zone in the Middle East…", p. 3, *cit.*

[69] Akiva Eldar, Aviv Melamud and Christian Weidlich, "First Steps towards a Regional Security Architecture: Unilateral and Multilateral Opportunities for Israel", in *Academic Peace Orchestra Middle East*, No. 46 (August 2015), p. 5.

[70] Tomisha Bino, "The Pursuit of a WMD-Free Zone in the Middle East…", p. 3, *cit.*

An aggravating factor is that the military capabilities covered by any prospective treaty are the by-product of national threat perceptions and geographical considerations. Their *raison d'être* does not originate in a vacuum. Israel's alleged nuclear arsenal is fuelled by the perception that it is subject to quantitative asymmetries within the Middle East and that it suffers from an ongoing existential threat by other regional states. This perceived vulnerability, conflated with its principle of self-reliance in national security matters, has led Israel to adopt a defensive nuclear deterrence posture (its nuclear opacity notwithstanding)[71]. Implicitly, Israel has argued that nuclear disarmament is inconceivable given the regional threat of nuclear proliferation, and such perception remains unaffected by the entry into force of the JCPOA[72].

Concomitantly, Iranian and Syrian ballistic missiles programmes are intended for asymmetric warfare capabilities against the United States and against Israeli, respectively, to circumvent its air superiority[73]. Likewise, Iran's nuclear programme seeks to deter the United States from its stated aim to mastermind an overthrow of the current regime, even if Iranian political leadership has occasionally argued that the weaponization of its nuclear programme would undermine the regime's international legitimacy[74]. Saudi Arabia, instead, champions the US military presence in the region as a defensive mechanism against the increasing Iranian-driven Shia's influence in the Middle East and the geopolitical reality that Iraq has ceased to be a buffer zone after the collapse of the Saddam's regime[75]. Therefore, if these underlying threat perceptions remain unaltered, it will be remarkably challenging to scale back all these military capabilities.

These military capabilities are also instrumentalised for political objectives that have little military strategic utility. Notably, Egypt has maintained a consistent policy of not acceding to any treaty or convention related to non-proliferation and disarmament until Israel joins the NPT as a Non-Nuclear Weapon State[76]. Thus, Egypt has rejected, *inter alia*, to accede to the Chemical Weapons Convention (Egypt is believed to possess an indigenous chemical weapons' programme[77]) and to sign the IAEA's Additional Protocol as a means to have some leverage over Israel. This policy has remained constant irrespective of the government in office, which could be arguably attributed to the autonomy that the Egyptian Ministry of Foreign Affairs has historically enjoyed vis-à-vis its governments[78]. Other regional

[71] Uri Bar-Joseph, "Taking Israel's Security Interests into Account: Deterrence Policy in a Changing Strategic Environment", in Bernd W. Kubbig and Sven-Eric Fikenscher (eds.), *Arms Control and Missile Proliferation in the Middle East*, 1st ed., New York, Routledge, 2012, p. 89-105.
[72] Tytti Erästö, "The Lack of Disarmament in the Middle East…", p. 6.
[73] For an overview of Syria's threat perceptions and military programmes, see Christian Weidlich, Bernd W. Kubbig, Gawdat Bahgat, Uri Bar-Joseph, Marc Finaud, Judith Palmer Harik and Aviv Melamud, "The First Two Steps to Cope with Military Asymmetries in the Middle East (I): Listing Security Concerns and Motives behind Weapon Programs in Egypt, Israel, and Syria", in *Academic Peace Orchestra Middle East*, No. 13 (December 2012), p. 9. For an overview of Iran's threat perceptions and military programmes, see Christian Weidlich, Bernd W. Kubbig, Dalia Dassa Kaye, Sabahat Khan, Mahmood Sariolghalam and Michael Haas, ""The First Two Steps to Cope with Military Asymmetries in the Middle East (II): Listing Security Concerns and Motives behind Weapon Programs in the GCC States and Iran", in *Academic Peace Orchestra Middle East*, No. 14 (December 2012), p. 9.
[74] Bernd W. Kubbig, et al. "The First Two Steps to Cope with Military Asymmetries in the Middle East (II)…", *cit.*
[75] *Ibid.*
[76] N. A. J. Taylor, Joseph A. Camilleri and Michael Hamel-Green, "Dialogue on Middle East Biological, Nuclear, and Chemical Weapons Disarmament: Constraints and Opportunities", in *Alternatives: Global, Local, Political*, Vol. 38, No. 1 (February 2013), p. 86.
[77] Bernd W. Kubbig, et al. "The First Two Steps to Cope with Military Asymmetries in the Middle East (I)…", p. 4, *cit.*
[78] Personal interview with Egyptian expert.

states also employ their military capabilities as a symbol of their strength and national pride, as Saudi Arabia with its Royal Saudi Strategic Missile Force[79].

In short, besides the diplomatic red lines that have persisted across the region for several decades, national military doctrines constitute another layer of obstacles that must be overcome for the Zone to come to fruition. In this vein, it is noteworthy the role that extra regional parties, in particular the United States, play in the formulation of strategic doctrines of regional countries, underscoring the importance of negative security assurances also in the case of a WMDFZ in the Middle East.

5. An overview of the proposed solutions to the Zone's stalemate

The protracted process that the WMDFZME initiative is experiencing has offered an opportunity for experts to advance several proposals to reinvigorate the pre-negotiation phase in order to proceed into a regionally inclusive negotiation scenario. Whilst these proposals may individually address the Zone issue from different angles, they have all predicated on the 'geometry variable' concept[80], which acknowledges that not all regional states might be willing to proceed at the same pace on the identical set of issues. Accordingly, it prescribes flexibility by encouraging countries to negotiate on achievable outcomes as an interim solution until long-term desirable ones are within reach. Put differently, experts acknowledge that there is not a silver bullet that can achieve what nearly half a century has failed to accomplish.

Track Two initiatives have prominently featured in the framework of security discussions in the Middle East. Thus, it has been suggested that regional states should undertake Track One diplomacy on those issues that are ripe for official negotiation, and de-institutionalise under the Track Two umbrella those issues that regional governments are not yet willing to consider. Technically, this compartmentalisation of tracks would enable the latter format to develop ideas and eventually transfer them to regional policymakers for their promotion into official processes[81]. However, some caveats should accompany this approach. To wit, it assumes that these unofficial initiatives would be autonomous from the parallel official processes, thereby operating regardless of the degree of progress achieved at the political level. If not, Track Two initiatives would be merely an extension of the official process' fate and as such they would become redundant[82].

Conversely, even if autonomy was guaranteed, the extent to which they would positively contribute to the ultimate goal of establishing the Zone is not clear. On one hand, the transmission chain towards the political level is not necessarily functional. The Israeli government, in particular, is currently impermeable to the ideas produced at the experts' level given its current policy to not engage with arms control and regional security talks[83]. On the other hand, as these initiatives are de-politicisation instruments insofar as the scope of the discussions is not liable to public exposure, participants can

[79] Bernd W. Kubbig, et al. "The First Two Steps to Cope with Military Asymmetries in the Middle East (II)…", *cit.*

[80] Peter Jones "Towards a Regional Security Regime for the Middle East: Issues and Options", Stockholm, Stockholm International Peace Research Institute, October 2011, p. 20.

[81] Shlomo Brom, "The Middle East Regional Security Regime and CSBMs", Brussels, EU Non-Proliferation Consortium, November 2012 (Background paper), p. 1-8.

[82] Peter Jones, "Filling a Critical Gap, or Just Waiting Time? Track Two Diplomacy and Regional Security in the Middle East", in Kerstin Vignard (ed.), *Arms Control in the Middle East* Geneva, United Nations Institute for Disarmament Research, July 2008 (Disarmament Forum), p. 3-12.

[83] Personal interview with expert that attended the November Conference.

share their country's threat perceptions and exchange ideas in a more constructive manner[84]. Put simply, this argument appeals to the socialisation effects of the process itself.

The second group of proposals have focused on initially establishing a sub-regional zone devoid of WMD as a springboard from which to ultimately expand it across the Middle East. Thus, two different geographical models have been advanced, namely the Persian Gulf Model[85] and the Levant Model[86], whose geographical conflation leads to the WMDFZ in the Middle East[87]. The notion of a WMDFZ in the Persian Gulf was first proposed in 2004 as the by-product of a Track Two initiative conducted by a regional research organisation[88]. Their advocates argued that WMD disarmament in the Gulf would enhance regional stability by encouraging further security and military cooperation among the participants. It was expected that its implementation would further pressure Israel into nuclear disarmament. In a similar fashion, the Levant Model identifies the Israeli-Palestinian conflict as the chief source of regional conflict and defines those countries involved in this conflict as the core that should institutionalise WMD disarmament first, after which the remaining regional countries could join[89].

These models reflect the geopolitical reality that in the Middle East regional states have different perceptions on which states constitute an existential threat for their survival[90]. Indeed, Arab States hold dissimilar threat perceptions in regard to Israel and Iran, with the countries of the Gulf Cooperation Council (GCC) generally more preoccupied with Iran while the Mediterranean Arab States' concerns revolve around Israel. In short, these sub-regional models recognise that lumping together distinct security interests based upon a skewed picture of the region, as the ACRS framework attempted, is bound to overcomplicate the Zone process. At the same time, however, the Levant Model has become obsolete because it does not consider Iran's current status as a nuclear threshold state. Indeed, Israel would definitely reject any nuclear disarmament that did not include Iran's nuclear programme, particularly in light of the JCPOA's fragile condition. By the same token, it is difficult to envisage Iran foregoing its nuclear option in light of the perceived Israeli threat and the US military presence in the region.

A plurality of initiatives has rested on a "sequential course" or step-by-step approach, whereby regional states adopt confidence-building measures until sufficient transparency and predictability has been achieved for all regional states to negotiate a treaty text. Within this camp, proposals can be categorised as modest confidence-building measures; institutionalised (sub)regional cooperation initiatives; or confidence-building measures that entail some form of regional disarmament. On the first group, experts have suggested to negotiate measures that, while not creating binding disarmament commitments, still remain politically sensitive[91]. For example, a nuclear-test-free zone whereby regional

[84] Personal interview with expert that has participated in different Track Two initiatives.
[85] The Gulf model encompasses Iraq, Iran, Yemen, Saudi Arabia, Kuwait, Bahrain, Qatar, the United Arab Emirates and Oman.
[86] The Levant model includes Israel, Egypt, Syria, Lebanon and Jordan.
[87] Linda Mari Holøien, "Weapons of Mass Destruction Free Zones in the…", *cit.*
[88] Mustafa Alani, "The Gulf NW and WMD Free Zone: A Track II Initiative", in *International Relations*, Vol. 22, No. 3 (September 2008), p. 358-362.
[89] Linda Mari Holøien, "Weapons of Mass Destruction Free Zones in the…", *cit.*
[90] Barry Buzan and Ole Wæver, "The Middle East and Africa", in Barry Buzan and Ole Wæver (eds.), *Regions and Powers - The Structure of International Security*, 1st ed., Cambridge University Press, 2003, p. 187-218.
[91] Marc Finaud and Anna Péczeli, "Modest Confidence- and Security-Building Measures for the Middle East: No-First Use Declarations, Transparency Measures, and Communication Structures", in *Academic Peace Orchestra Middle East*, No. 20 (July 2013). See also Harald Müller and Claudia Baumgart-Ochse, "A Weapons of Mass Destruction-Free Zone in the Middle East: An Incremental Approach", Brussels, EU Non-Proliferation Consortium, July 2011 (Background paper), p. 1-9.

states would all ratify the CTBT by an agreed deadline has been advanced[92]. Without any linkage to disarmament commitments, however, this approach would risk antagonising the Arab States and Iran since it would be tantamount to supporting the Israeli strategy.

The implementation of (sub)regional cooperative initiatives has been identified as a valuable pathway towards the materialisation of the WMDFZME. In light of Middle Eastern countries' increasing interest to diversify their national energy mix by investing on nuclear energy and the concomitant possibility that particularly Saudi Arabia and other GCC countries invest on uranium enrichment technologies[93], experts have advocated for the regionalisation of the nuclear fuel cycle in the Arab region[94]. Whilst variations exist within this approach, it generally entails that Arab countries (or a subset of them) would jointly own and/or manage sensitive aspects of the nuclear fuel cycle[95]. In broader terms, regional energy cooperation could mitigate the historical fault line between Arabs and Persians and enhance the region's stability. Notably, the multinationalisation of Iran's Natanz enrichment facility, which could range from joint ownership among Persian Gulf's countries to joint management with Iran as the sole owner, has been identified as a confidence-building measure that could feed two birds with one seed[96].

On one hand, the multinationalisation of Iran's enrichment facilities would assuage GCC countries' concerns that Iran is diverting enriched uranium for the manufacturing of its nuclear bomb whilst preventing the former countries from pursuing national enrichment plans with the accompanying risk of nuclear proliferation. On the other hand, it would in turn improve the prospects of cooperation both between GCC countries and Iran as well as among GCC countries themselves. However, Iran considers that distributing its hard-won enrichment technology across the region via the multinationalisation of its facilities is not politically tenable anymore[97]. More broadly, Arab States and Iran have consistently emphasised that under the NPT non-nuclear weapon states have an unalienable right to national enrichment to exploit nuclear energy for peaceful purposes[98], and as such the regionalisation of the nuclear fuel cycle is perceived as an attempt to curtail national sovereignty.

Other experts have advocated for the adoption of a comprehensive security understanding and address other security-related areas. One proposal, for instance, suggests launching cooperation initiatives in the context of the endemic water conflict between Israel and Palestine. In this vein, regional cooperation in the environmental field would be a catalyst for renewed cooperation in the non-

[92] Pierre Goldschmidt, "Let's Start with a Nuclear-Test-Free Zone in the Middle East", in *Carnegie Endowment for International Peace*, 29 April 2010, https://carnegieendowment.org/2010/04/29/let-s-start-with-nuclear-test-free-zone-in-middle-east-pub-40711

[93] Nursin Ateşoğlu Guney and Visne Korkmaz, "The Idea of Nuclear Dominoes in the Gulf Region", in *Journal of South Asian and Middle Eastern Studies*, Vol. 40, No. 4 (Summer 2017), p. 63-81

[94] Mohamed I. Shaker, "Regionalizing Nuclear Energy in the Middle East: Making Progress on the Nuclear- and WMD-Free Zone", in *Global Governance*, Vol. 20, No.4 (October/December 2014), p. 517-528. See also Mohamed I. Shaker, "The Internationalization of the Nuclear Fuel Cycle: An Arab Perspective", in Kerstin Vignard (ed.), *Arms Control in the Middle East* Geneva, United Nations Institute for Disarmament Research, July 2008 (Disarmament Forum), p. 33-41.

[95] The sensitive aspects of the nuclear fuel cycle are uranium enrichment and spent fuel storage, reprocessing and disposal since enriched uranium and plutonium produced via reprocessed fuel are the only two pathways towards building a nuclear weapon.

[96] Ali Ahmad and Ryan Snyder, "Iran and Multinational Enrichment in the Middle East", in *Bulletin of the Atomic Scientists*, Vol. 72, No. 1 (January 2016), p. 52-57.

[97] Personal interview with an Iranian expert.

[98] Group of Non-Aligned States, The inalienable right to develop research, production and use of nuclear energy for peaceful purposes (NPT/Conf.2020/PC.III/WP.18), 21 March 2019, https://undocs.org/NPT/Conf.2020/PC.III/WP.18. See also Islamic Republic of Iran, The inalienable right to develop research, production and uses of nuclear energy for peaceful purposes (NPT/CONF.2020/PC.II/WP.25), 09 April 2018, http://undocs.org/NPT/CONF.2020/PC.II/WP.25

proliferation and disarmament field[99]. Others have sought to promote scientific cooperation among regional states following a similar logic of positive externalities[100]. However, the main shortcoming of promoting scientific cooperation as a means to strengthen regional confidence and eventually have positive externalities towards the Zone is that such initiatives may involve scientists from several countries, but their participation would be as private citizens rather than as countries' representatives. Thus, the countries themselves would not be engaged in the prospective socialisation process[101].

Finally, in a slight departure from a purely sequence-based process, a group of experts has challenged the received dichotomy between regional security and disarmament by arguing that they should be pursued simultaneously. In this line of argumentation, disarmament can only occur when a certain threshold of regional confidence has been reached. At the same time, pure confidence-building measures that do not have disarmament components cannot create sufficient predictability among regional stakeholders[102]. Based upon this approach, it has been proposed to establish the Zone through the coordinated accession of regional states to the different multilateral disarmament treaties and conventions, including the Chemical Weapons Convention (CWC), the Biological and Toxin Weapons Convention (BTWC), and the NPT[103]. In so doing, regional states would concurrently infuse greater confidence within inter-state relations and consolidate disarmament commitments. Technically, as Israel is the only regional state that is not a party to the NPT, this strategy would culminate with Israel joining the NPT and dismantling its nuclear arsenal, thus establishing the Zone.

This approach is a commendable effort to bridge the conceptual gap between Israel and Arab States and Iran, bypassing the sequencing between regional security and disarmament. However, the *regionalisation* of the NPT and a Missile-Free Zone in particular represent formidable stumbling blocks for this strategy to succeed given that chief security concerns may prevail. For Iran, its ballistic missile programme is a shield against the US "hawkish" policy against the regime and an instrument for power projection in the region[104], while for Israel its undeclared nuclear arsenal constitutes its ultimate defence against an existential threat[105]. Furthermore, the Egyptian policy to not ratify any disarmament treaty until Israel has joined the NPT does not theoretically leave much margin of manoeuvre. One such proposal to address Egypt's concerns would see Israel ratifying an annexed protocol to the NPT whereby the latter would retain its nuclear programme but inhibit its further development by joining the CTBT and putting a moratorium on its production of fissile material[106]. As a result of these obstacles, pursuing

[99] Inga Schierholz, "Transboundary Water Conflicts in the Middle East: Exploring Multilateral Environmental Cooperation between Israel and its Neighbors", in *Academic Peace orchestra Middle East*, No. 47 (August 2016).
[100] Marc Finaud, Bernd W. Kubbig and Walid Abu-Dalbouh, "Enhancing Regional Security through Scientific Cooperation in the Middle East", in *Academic Peace Orchestra Middle East*, No. 7/8 (January 2020).
[101] Personal interview with an Iranian expert.
[102] Edward M. Ifft, "Confidence-Building Measures and Arms Control in the Middle East Can Go Hand-in-Hand: Offering a Different Perspective on the Issue of 'Sequencing'", in *Academic Peace Orchestra Middle East*, No. 40 (September 2014). See also Akiva Eldar, Aviv Melamud and Christian Weidlich, "First Steps Towards a Regional Security Architecture: Unilateral and Multilateral Opportunities for Israel", in *Academic Peace Orchestra Middle East*, No. 46 (August 2015).
[103] For an overview on a Chemical Weapon-Free Zone, see Dina Esfandiary, "In the Middle East, Get Rid of Chemical Weapons First", in *Arms Control Today*, January 2014. On a Biological Weapon-Free Zone, see Benjamin Bonin, Amir Mohagheghi and Michael Yaffe, "Implementing a WMD-Free Zone in the Middle East", in *The Nonproliferation Review,* Vol. 20, No. 1 (February 2019), p. 137-144. On a Missile-Free Zone, see Bernd W. Kubbig and Sven-Eric Fikenscher, *Arms Control and Missile Proliferation in the Middle East*, 1st ed., New York, Routledge, 2012.
[104] Karim El-Baz, "The Neo-Ballistic Middle East", in *The Cairo Review of Global Affairs*, Fall 2019.
[105] Uri Bar-Joseph, "Taking Israel's Security Interests into Account…", *cit.*
[106] Avner Cohen and Thomas Graham Jr., "An NPT for Non-Members", in *Bulletin of the Atomic Scientists*, Vol. 60, No. 3 (May/June 2004), p. 40-44.

regional security and disarmament in parallel requires virtuous craftmanship from both regional and external leaders to navigate between the apparent red lines long established by regional states.

In a nutshell, this myriad of proposals can be unilaterally adopted by a single regional state or they can be negotiated multilaterally with the possibility of coordination by extra regional actors. Likewise, some of these proposals can be pursued in parallel and mutually reinforce each other, whilst others have become impracticable as time has rumbled on.

6. The European Union's Non-Proliferation and Disarmament agenda

The European Union's non-proliferation and disarmament agenda formally began with the 2003 EU Strategy against proliferation of Weapons of Mass Destruction as an attempt to formulate an alternative and independent policy in light of the controversial US-led invasion in Iraq[107]. It identifies chemical, biological, nuclear weapons and their delivery vehicles as threats both against the EU and the non-proliferation regime. More importantly, this strategic document has laid the foundation for the subsequent methodology adopted by the EU.

The EU has prioritised preventive measures over coercive ones, underpinned by the introduction of the principle of '*effective multilateralism*' in the 2003 WMD Strategy. Under this principle, the EU seeks to strengthen the implementation and universalisation of existing disarmament and non-proliferation norms through financial and technical assistance, political conditionality, and export control policies. As a result, the EU has been called an 'actor by stealth' insofar as it has sought to increase its influence through the strengthening of existing multilateral institutions rather than by raising its own profile[108]. Thus, the EU provides significant financial resources to institutions such as the IAEA, the Organisation for the Prohibition of Chemical Weapons (OPCW) and the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO).

The EU has also undertaken a capacity-building approach towards third countries. After 2010, such cooperation has been better structured along regional and bilateral lines. The Instrument contributing to Stability and Peace (IcSP) has been financing the CBRN Centres of Excellence (COE)[109], an initiative that aims to build capacity in partner countries to mitigate CBRN risks produced either by natural causes or manmade ones. The projects cover, *inter alia*, public and infrastructure protection; awareness raising on CBRN threats; border controls and CBRN import/export controls; chemical and biological waste management. Furthermore, projects are designed to promote regional networks by encouraging partner countries to cooperate under a regional secretariat. The COE network contains eight regions, two of which within the Middle East: the "Middle East" group that includes Iraq, Lebanon and Jordan, with the regional secretariat placed in the latter; and the "GCC countries" group that includes Saudi Arabia, Qatar, Kuwait, Bahrain and the United Arab Emirates, where the secretariat is located[110].

[107] Council of the EU, *EU Strategy against Proliferation of Weapons…*, *cit.* See also Benjamin Kienzle, "A European Contribution to Non-Proliferation? The EU WMD Strategy at Ten", in *International Affairs*, Vol. 89, No. 5 (September 2013), p. 1143-1159.
[108] Peter Van Ham, "The European Union's WMD Strategy and the CFSP: A Critical Analysis", *Non-Proliferation Papers,* No. 2 (September 2011), p. 8.
[109] Ralf Trapp, "The EU's CBRN Centres of Excellence Initiative After Six Years", *Non-Proliferation Papers*, No. 55 (February 2017), p. 1-15.
[110] For an overview of the partner countries and regional networks, see https://europa.eu/cbrn-risk-mitigation/index_en

The EU has also employed political conditionality through the so-called 'WMD clause' for its association agreements with third countries. This clause, which has not been consistently exploited as some agreements do not incorporate it, establishes that a partnership could be suspended should the third country not fully comply with its existing obligations with respect to non-proliferation and disarmament issues. It further encourages third countries to progressively accede to all relevant treaties and to establish an effective system of national export controls[111]. Furthermore, the EU has selectively offered major carrots when discussion non-proliferation with states of concern. Thus, during the initial stages of diplomatic talks with Iran, the EU/E3 offered a Trade and Cooperation Agreement (TCA) with Tehran once progress on the nuclear file had become significant[112].

In addition to the WMD clause and the CBRN Centres of Excellence, the EU has sought to reinforce export control mechanisms. On one hand, the EU has sought to address the proliferation of enrichment and reprocessing technologies by navigating between the US supply-based approach of restricting the transfer of these technologies to states that already possess them and the Non-Aligned Movement's position of advocating for their unrestricted access[113]. Thus, the EU has promoted the multilateralization of fuel-cycle activities, although the particularities of this approach remain vague, with member states advancing different proposals[114]. On the other hand, the EU has offered financial resources and expertise to third countries for the physical protection of nuclear facilities and materials, as well as for border security and dual-use export controls, particularly through the UN Security Council Resolution 1540[115]. EU's participation is grounded on the assistance clause introduced in the resolution, which recognised that some states might require assistance to implement its provisions.

The EU has nevertheless resorted to coercive measures under Chapter VII of the UN Charter[116] once preventive measures have proven ineffective and states of concern have defied their non-proliferation commitments. In this vein, the EU has generally employed economic sanctions in accordance to the 2004 Council document "Basic Principles for the Use of Restrictive Measures (Sanctions)"[117], which asserts that the EU seeks to implement those measures (read sanctions) agreed upon at the UN Security Council whilst reserving the right to impose autonomous sanctions to address non-proliferation threats. For instance, after Iran's progressive disengagement from the EU's diplomatic talks and its resumed enrichment activities in 2005, the EU imposed economic sanctions in accordance with the UN Security Council. Yet, once it became evident that Tehran was increasing its uranium enrichment levels, the EU

[111] Lina Grip, "The European Union's Weapons of Mass Destruction Non-Proliferation Clause: A 10-Year Assessment", *Non-Proliferation Papers*, No. 40 (April 2014), p. 1-15.

[112] Oliver Meier, "European Efforts to Solve the Conflict over Iran's Nuclear Programme: How has the European Union Performed?", *Non-Proliferation Papers*, No. 27 (February 2013), p. 5.

[113] Oliver Meier, "The Role of the EU in Controlling Sensitive Nuclear Technologies", in Spyros Blavoukos, Dimitris Bourantonis and Clara Portela (eds.), *The EU and the Non-Proliferation of Nuclear Weapons,* 1st ed., Palgrave Macmillan UK, 2015, p. 95-116.

[114] For instance, it has provided funding for the IAEA Low Enriched Uranium (LEU) Bank in Kazakhstan in order to guarantee the supply of nuclear fuel to state parties should market mechanisms fail to deliver. See Council of the European Union, *Council Decision on a Union Contribution to the Establishment and the Secure Management of a Low Enriched Uranium (LEU) Bank…*, Brussels, 15 November 2016 (2016/2001/CFSP), https://eur-lex.europa.eu/eli/dec/2016/2001/oj

[115] The UN Security Council Resolution 1540 prohibits state-sanctioned support to non-state actors seeking to acquire WMD (1) by strengthening domestic legislation and (2) by strengthening the physical protection of materials and border controls. See Lina Grip, "The Role of the European Union in Delivering Resolution 1540 Implementation Assistance", *Non-Proliferation Papers*, No. 22 (October 2012), p. 1-17.

[116] These coercive measures might include, according to the UN Charter, the imposition of sanctions, the interception of shipments, and as a last resort the use of force. See https://www.un.org/en/sections/un-charter/chapter-vii/index.html

[117] Council of the European Union, *Basic Principles on the Use of Restrictive Measures (Sanctions)*, Brussels, 7 June 2004 (10198/1/04), http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2010198% 202004%20REV%201

unilaterally extended the scope of UN sanctions and targeted the Iranian energy sector and trade-related activities[118].

6.1 The EU and the WMDFZME

The EU has repeatedly stated its willingness to contribute to the Zone process. In the framework of the Union for the Mediterranean, it has stressed that together with regional partners it would seek to establish a verifiable free zone in the Middle East[119]. Nevertheless, the EU's efforts in this field have remained arguably limited. The EU has adopted three Council Decisions creating funding mechanisms for three Track Two initiatives. The first two Council Decisions, adopted in 2010[120] and 2012[121] led to the establishment of two seminars, respectively, involving academic experts as well as policymakers from Europe and the Middle East. The experts discussed Middle Eastern security issues while exploring both confidence-building measures to kickstart the Zone process and regional cooperation on the uses of peaceful nuclear energy. The third Council Decision[122], adopted in 2019 and implemented by UNIDIR, created a funding line for a three-year project that seeks to design innovative proposals while promoting dialogue among regional experts and policymakers around the Zone and broader regional security issues.

In short, the EU has mostly adopted a technical and capacity-building approach to address non-proliferation and disarmament issues both in multilateral and bilateral contexts, avoiding politically charged policies. However, it has occasionally stepped up its efforts in light of certain proliferation crises and combined incentives with coercive measures, as with the case of Iran.

7. Policy recommendations for the European Union

As an extra-regional player acting in an observer's capacity, the European Union played a marginal role in the UN November Conference. Relying solely on the UN-led process as the instrument that will deliver the WMDFZ in the Middle East, however, might be insufficient if diplomatic activities are not run in parallel to iron out regional disagreements.

The EU should conduct its work under one overarching assumption, namely that entrenched security-related factors and stringent diplomatic red lines impede the complete regional disarmament of WMD and their delivery vehicles in the foreseeable future. As the literature on nuclear reversal shows[123], Israel is not expected to dismantle its nuclear arsenal unless there is a significant transformation in its security environment, in the configuration of its ruling political elite and/or in the emergence of powerful coercive norms at the international level, the latter of which includes a US policy paradigmatic shift vis-

[118] Oliver Meier, "European Efforts to Solve the Conflict over Iran's…", *cit.*

[119] Council of the European Union, *Joint Declaration of the Paris Summit for the Mediterranean*, Paris, 13 July 2008 (11887/08), p. 9 https://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/er/101847.pdf

[120] Council of the European Union, *Council Decision in Support of a Process of Confidence-Building Leading to the Establishment of a Zone Free of Weapons of Mass Destruction and their Means of Delivery in the Middle East…*, Brussels, 13 December 2010 (2010/799/CFSP), https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=CELEX:32010D0799

[121] Council of the European Union, *Council Decision in Support of a Process Leading to the Establishment of a Zone Free of Nuclear Weapons and All Other Weapons of Mass Destruction in the Middle East*, Brussels, 23 July 2012 (2012/422/CFSP), https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=CELEX:32012D0422

[122] Council of the European Union, *Council Decision (CFSP) in Support of a Process of Confidence-Building Leading to the Establishment of a Zone Free of Nuclear Weapons and All Other Weapons of Mass Destruction in the Middle East*, Brussels, 6 June 2019 (2019/938), https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=CELEX:32019D0938

[123] See Ariel E. Levite, "Never Say Never Again: Nuclear Reversal Revisited", in *International Security*, Vol. 27, No. 3 (Winter 2002/03), p. 59-88.

à-vis Israel. Similarly, Iran is unlikely to dismantle its ballistic missiles programme given the US military presence in the region and the latter's current aggressive policy towards the Iranian regime. In a nutshell, in the current conditions, regional disarmament of WMD and their delivery vehicles in the Middle East appears to be unrealistic.

In light of this, the EU should focus on achievable outcomes rather than on the desirable ones. It should combine low-hanging fruits which can enhance regional cooperation, with more ambitious actions when there is market demand for them. In the long term, such initiatives can lead to positive spill overs onto the security field, improving the prospects for regional arms control and disarmament undertakings. The EU should now sow the seeds for eventual success of the Zone. At the same time, developments at the regional or global level might arise which the EU can capitalise on to achieve outcomes that hitherto would have remained far-fetched. The following four policy recommendations are grounded on such principles.

The EU should increase funding for Track Two initiatives

The EU has maintained a rather technical approach when it comes to the Zone issue, essentially investing its resources on funding Track Two initiatives. The EU should continue to fund such initiatives, even more so considering that the latter are often dependent on Western institutions to be financially conceivable[124] and that they require comparably negligible resources for an economic giant such as the EU.

In the foreseeable future, antagonistic relations among some regional states, particularly the Iran-Israel dyad, are likely to persist, which implies that diplomatic interactions are liable to high politicisation and eventual failure, as the premature Iranian withdrawal from the Glion process has demonstrated. Against this backdrop, Track Two initiatives discharge an important function. Under a de-politicised umbrella, they strengthen communication networks among stakeholders from different regional states and contribute to bridging their national differences, potentially spilling over into official channels. Thus, the rationale for the EU to continue its funding on Track Two initiatives is that until a window of opportunity emerges whereby the accumulated benefits of such unofficial processes can be transmitted into the high echelons of power, it should precisely seek to enlarge such would-be benefits.

The EU is currently funding a three-year Track Two initiative being implemented by UNIDIR. Beyond that, the EU could adopt a similar approach to the one of the CTBT drafting process, whereby experts met regularly for years in order to develop a verification regime to detect nuclear tests while diplomats slowly bridged their positions. Thus, next to the November Conference, the EU could invest on unofficial initiatives that discuss the technical aspects of establishing the Zone until thorny political issues are overcome in the Conference. For example, as demonstrated by the Bangkok Treaty, the maritime geographical definitions might prevent nuclear-weapon states from providing negative security assurances if free passage is not guaranteed. Likewise, verification issues could be examined because they could be potentially troublesome in the future, as Israel prefers a regionally based monitoring mechanism over the IAEA's safeguards. For present purposes, however, it is important to have a comprehensive membership in such initiatives, that is, that experts and (more ambitiously) political

[124] Dalia Dassa Kaye, "Regional Security Dialogues in the Middle East", in Dalia Dassa Kaye (ed.), *Talking to the Enemy. Track Two Diplomacy in the Middle East and South Asia*, RAND Corporation, 2007 (RAND National Security Research Division), p. 32.

representatives in an unofficial capacity are drawn from all countries in order to create intersubjective understandings and regional networks.

The EU should create educational programmes between Israeli and Egyptian students

The Israeli-Egyptian relations in the Mediterranean security complex are particularly important for an eventual creation of a region-wide WMD Free Zone. Whilst experts have proposed that the EU or other extra-regional actors could facilitate the simultaneous accession to the CWC or other disarmament conventions as confidence-building measures, this approach might turn out to be unsuccessful for a number of reasons. First, these countries already cooperate in multiple areas, ranging from natural gas within the East Med framework to counterterrorism[125], which renders confidence-building measures rather redundant. Second, Egypt's strategy not to accede to any disarmament treaties is linked exclusively to Israel's NPT accession. And third, Israel particularly does not perceive the EU as a legitimate actor to adopt a facilitating role in hypothetical negotiations with other regional countries[126].

The EU could instead finance educational exchange programmes involving Israeli and Egyptian graduate and post-graduate students in order to promote a better understanding of non-proliferation and disarmament issues and, more importantly, foster a like-mindedness approach between students from both countries in this field. On one hand, regional experts in the field of non-proliferation and disarmament are scarce in the Middle East, against which the EU would be a welcomed educational guide for regional stakeholders[127]. On the other hand, the current decision-makers of Egypt and Israel have adopted inadequate strategies in the framework of the Zone issue, establishing policy linkages between disarmament conventions that cover dissimilar weapons and undermining progress on Track Two initiatives, respectively. As a result, the EU should seek to create a new cadre of arms control and disarmament experts both in Israel and Egypt with the long-term objective that they occupy relevant positions in their respective countries and can subsequently influence the strategies of their Ministries of Foreign Affairs and governments.

To that end, the EU should harness the potentialities of the EU Non-Proliferation and Disarmament Consortium, a European network of independent think-tanks and academic institutions created in 2010 in order to contribute to the implementation of the EU 2003 WMD Strategy. As part of its extended mandate in 2018, the Consortium is expected to develop non-proliferation and disarmament expertise in third countries through *e*-learning courses and internships, amongst other instruments[128]. The EU could therefore mandate the universities of the Consortium to design substantive courses covering non-proliferation and disarmament issues, in close cooperation with Egyptian and Israeli universities sending their students, and to provide the logistical infrastructure for the exchange programme to be attainable. As an example of what the programme could include, students could be expected to undertake joint research projects which could be eventually submitted to international conferences and seminars for further discussion and engagement among non-proliferation and disarmament experts and policymakers.

---

[125] Personal interview with an Egyptian expert. See also Times of Israel Staff, "In Milestone, Israel Starts Exporting Natural Gas to Egypt", in *The Times of Israel*, 15 January 2020.

[126] Personal interview with an Israeli expert. See also Nimrod Goren, "Mapping European Leverage in the MENA Region: Israel", in *European Council on Foreign Relations*, December 2019, https://www.ecfr.eu/specials/mapping_eu_leverage_mena/israel

[127] Personal interviews with Israeli and Egyptian experts.

[128] Council of the European Union, Council Decision (CFSP) promoting the European Network of Independent Non-Proliferation and Disarmament Think-Tanks…", Brussels, 26 February 2018 (2018/299), Art. 1.2, para. f, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018D0299

Eventually, the EU Non-Proliferation and Disarmament Consortium could expand this educational programme to include students and universities from other Arab States and Iran. It would be reasonable, however, to first launch the programme on a smaller-scale and conduct an *ex post* assessment whereby the academic institutions and early students could reflect on the merits and shortcomings of their experience. The reason to target Egyptian and Israeli students first is grounded on the fact that the conflict between Egypt and Israel when it comes to the disarmament components of the Zone is largely of political, rather than security, nature. Conversely, the inter-state relations between Israel and Iran, and between Iran and the GCC countries are dominated by as much political as security concerns. Since this programme implicitly targets political obstacles, it is in principle more adequate for the Egyptian-Israeli dyad.

The EU should invite Iran to become a partner country in the CBRN Centre of Excellence

Thus far, the emergence of the Covid-19 pandemic has had mixed effects across the Middle East in terms of inter-state cooperation. On one hand, it has provoked a wave of national retrenchment as countries have heavily restricted their citizens' movements and armies have, in some cases, been deployed to monitor the lockdown, all while closing down national borders[129]. On the other hand, however, regional countries have provided humanitarian assistance to their neighbours. Thus, the United Arab Emirates has delivered significant medical aid to Iran in spite of the current diplomatic tensions that have beset the Persian Gulf region, prompting an Iranian Foreign Ministry spokesperson to suggest that an improvement of bilateral relations could follow as a result[130].

The EU should exploit this window of opportunity to invite Iran to join the CBRN Centre of Excellence as a partner country in the existing GCC countries' regional network. As explained before, the CBRN Centres of Excellence are an EU initiative that aims to conduct capacity-building projects with partner countries to mitigate CBRN risks. These countries are clustered into regions under a regional secretariat in order to encourage cross-national projects and strengthen regional cooperation. Notably, partner countries are the ones that identify their own needs, after which the EU designs and funds these projects. The identification of such needs is conducted by National CBRN Teams, which adopting a whole-of-government approach, involve officials from different governmental ministries, and such teams in turn cooperate with each other through the regional secretariat[131]. Therefore, unlike scientific cooperative projects where regional scientists participate in a private capacity, there is potentially higher benefits for inter-state cooperation in the framework of these CBRN Centres of Excellence.

In light of the Covid-19 pandemic, the expanded regional network could propose joint projects addressing the development of responses to biological threats. Furthermore, GCC countries have long been concerned with Iran's inadequate degree of nuclear safety and security safeguard controls in its Bushehr Nuclear Power Plant, as evidenced by its non-signatory status to the IAEA Convention on Nuclear Safety, which promotes international benchmarks on nuclear safety that state parties should consistently fulfil[132]. Thus, Iran and the GCC countries could work towards the enhancement of safety

[129] Chen Zak Kane and Rhianna Tyson Kreger, "Coronavirus in the Middle East: A Rare Opportunity for Diplomacy?", in *Bulletin of the Atomic Scientists*, 10 April 2020.
[130] Diana Galeeva, "The UAE's Response to the Covid-19 Outbreak in Iran", in *London School of Economics' Middle East Centre Blog*, 05 April 2020.
[131] Nasser Bin Nasser, "The European Union's Centres of Excellence Initiative on CBRN Risk Mitigation", in *Academic Peace Orchestra Middle East*, No. 6 (June 2019), p. 3.
[132] Mark Fitzpatrick, "Promoting Nuclear Safety and Nuclear Security in the Middle East Region", Brussels, EU Non-Proliferation Consortium, November 2012 (Background paper), p. 1-9.

practices at nuclear civilian facilities to mitigate any nuclear-related risk. In broad terms, the inclusion of Iran into the Gulf network would institutionalise and stabilise inter-state cooperation in the CBRN field. In the long-term, such cooperation could lead to positive externalities into more politicised and relevant issues around disarmament of WMD and their delivery vehicles.

Nonetheless, solely focusing on technical issues and funding Track Two initiatives would merit criticism that the EU is punching below its weight on the Zone issue. Indeed, the EU has already some experience in this field, having been called a "payer rather than a player" in the context of the North Korean nuclear crisis[133]. In fact, some Middle Eastern states are suspicious of any EU's diplomatic efforts on the ground that it does not always have the desired actorness to fulfil its commitments[134]. Therefore, the EU should also step up its efforts and engage politically with Middle Eastern states, complementing its hitherto technical and educational approach.

The EU should link the regionalisation of enrichment technology to the creation of the Persian Gulf WMD Free Zone

During the NPT PrepComs for the 2020 RevCon, Arab States have consistently emphasised (through the Non-Aligned Movement's statements) that state parties must ensure the inalienable right for non-nuclear-weapon states to enjoy the peaceful uses of nuclear energy[135], as the treaty establishes. In conjunction with these legitimate demands, GCC countries have been seeking to develop national civilian nuclear programmes to diversify their energy mix away from their oil and gas dependencies for over a decade. In particular, the United Arab Emirates and Saudi Arabia have embarked on ambitious nuclear energy programmes since 2008 and 2006[136], respectively. While civilian in nature, these programmes could potentially entail the acquisition of enrichment and reprocessing (ENR) technologies, as Saudi Arabia has hinted at[137], raising concerns over the weaponization of nuclear energy. This situation, however, should be further examined.

The United Arab Emirates, which is expected to have its first Nuclear Power Plant (NPP) operating in 2020 after considerable delays[138], has signed a 123 Agreement with the United States whereby it foregoes its right to uranium enrichment and its reprocessing in exchange for nuclear cooperation with the US[139]. In contrast, Saudi Arabia is determined to retain its right to enrichment partly as a nuclear hedging strategy against Iran. The prospects for Saudi Arabia to obtain enrichment technology, however, are rather unpromising. The country does not have the human capacity and technical knowledge to develop an indigenous nuclear technological infrastructure and external suppliers are unlikely to offer such technology to non-nuclear weapon states, both because they would be seen as

[133] Clara Portela, "Revitalising the NPT. Preparing the EU for the Tenth RevCon", Paris, European Union Institute for Security Studies, January 2020 (EUISS Policy Brief), p. 4.
[134] Personal interview with Iranian expert.
[135] Group of Non-Aligned States, *The inalienable right to develop research, production…*, *cit.*
[136] Joy Nasr and Ali Ahmad, "Middle East Nuclear Energy Monitor: Country Perspectives 2018", Beirut, Issam Fares Institute for Public Policy and International Affairs, January 2019 (IFI Annual Report).
[137] For instance, Crown Prince Mohammed bin Salman stated in 2018 that "Saudi Arabia does not want to acquire any nuclear bomb, but without a doubt, if Iran developed a nuclear bomb, we will follow suit as soon as possible". See Kingston Reif, "Saudi Arabia Threatens to Seek Nuclear Weapons", in *Arms Control Today*, June 2018.
[138] June Park, Pamela Rizkallah and Ali Ahmad, "Middle East Nuclear Energy Monitor 2019. A Decade Later: South Korea's Nuclear Energy Exports to the Middle East", Beirut, Issam Fares Institute for Public Policy and International Affairs, January 2020 (IFI Annual Report).
[139] Thomas R. Pickering, "The UAE 123 Agreement: A Model for the Region?", Washington DC, Center for Strategic & International Studies, October 2009 (CSIS Gulf Roundtable Summary).

contributing to nuclear proliferation and because the G8 states have pledged not to export enrichment technology in the first place[140]. Therefore, a window of opportunity exists for alternative arrangements.

The EU should secure this opportunity and capitalise on Member States' resources and Euratom's expertise on nuclear energy to contribute to the regionalisation of enrichment technologies among the GCC countries. In return, the GCC countries should commit to the establishment of a sub-regional WMD Free Zone without Iran, thus deviating from the 2004 Gulf Research Council's proposal. Ever since the Arab Spring revolutions, tensions have flared within the GCC, pitting Saudi Arabia and UAE against Qatar, leading to the worst existential crisis of the GCC since its foundation in 1981[141]. As such, this initiative would be currently justified in terms of seeking to improve regional security. Furthermore, establishing a sub-regional WMD Free Zone without Iran or Israel is warranted insofar as it becomes a preventive instrument against the scenario in which Saudi Arabia somehow acquires ENR technologies and weaponizes nuclear energy. It would also constitute a crucial first step towards the establishment of the WMDFZ in the Middle East.

In particular, the EU should reinvigorate the 2010-2013 Joint Action Programme implementing the EU-GCC Cooperation Agreement of 1988, which included cooperation in the field of nuclear energy by establishing expert groups and capacity-building programmes[142]. Drawing on such expertise, the EU should assist in the creation of a regional organisation among the GCC countries similar to Euratom, namely a regulatory agency that would, *inter alia,* conduct analysis on nuclear safety and nuclear security, cooperate with the IAEA and complement the agency's monitoring activities in any enrichment facility and prospective Nuclear Power Plants (NPPs). Subsequently, the EU could negotiate with Areva or Urenco, the European-based companies that can export uranium enrichment technology, for the transfer of enrichment technology to the GCC countries, which would be organised through the newly created regional agency[143].

There are different models from which the EU and the GCC countries could choose to implement such agreement[144]. A model similar to Urenco, a European consortium in which partners (i.e. Germany, the United Kingdom and the Netherlands) jointly own and operate enrichment facilities in their territories, could serve the needs of the GCC countries. Unlike Urenco, however, GCC countries could set up a common enrichment plant in one of the participating countries' territory, operated by the regional agency. First, the possibility of ownership and management would be more accommodating to Saudi Arabia's current demands. Second, the enrichment facility would be monitored and operated by a

[140] See Dina Esfandiary and Ariane Tabatabai, "Why Nuclear Dominoes Won't Fall in the Middle East", in *Bulletin of the Atomic Scientists*, 22 April 2015. See also Joy Nasr and Ali Ahmad, "Middle East Nuclear Energy Monitor…", p. 19, *cit.*

[141] Cinzia Bianco, "A Gulf Apart: How Europe Can Gain Influence with the Gulf Cooperation Council", European Council on Foreign Relations, February 2020 (ECFR Policy Brief 314).

[142] See Joint Action Programme for Implementation of the GCC-EU Cooperation Agreement of 1998, http://www.eeas.europa.eu/archives/delegations/gulf_countries/documents/eu_gulf_countries/eu_gcc_joint_action_programme_en.pdf

[143] This transfer of enrichment technology would not violate the 2011 guidelines on nuclear enrichment transfers established by the Nuclear Suppliers Group (NSG), the nuclear export controls regime to which all EU Member States ascribe. Indeed, whilst the updated criteria posit that the recipient country should have ratified the IAEA's Additional Protocol, it does qualify the restriction by stating that regional monitoring arrangements approved by the IAEA can be alternatively acceptable. See the guidelines on https://www.nuclearsuppliersgroup.org/en/guidelines. See also Andrea Viski, "The Revised Nuclear Suppliers Group Guidelines: a European Union Perspective", in *Non-Proliferation* Papers, No. 15 (May 2012), p. 1-13.

[144] Yuri Yudin, "Multilateralization of the Nuclear Fuel Cycle. The Need to Build Trust", Geneva, United Nations Institute for Disarmament Research, 2010 (United Nations Publication).

regional agency composed of scientists from each participating country, thereby strengthening interstate confidence and regional cooperation.

Ultimately, this prospective energy cooperation could extend across other countries. Jordan, for instance, has indicated that it wants to maintain its option for a regional approach to uranium enrichment with Saudi Arabia and Egypt[145]. Considering its uranium resources and the existing cooperation with Saudi Arabia in uranium exploration and mining in the former's territory[146], Jordan could potentially participate in the Gulf consortium. Similarly, EU-GCC renewed cooperation could sprawl into other initiatives, such as a regional nuclear waste disposal site as the United Arab Emirates has advocated for[147]. More importantly, if the JCPOA manages to navigate its way out of its current diplomatic turmoil Iran could join the WMD Free Zone in the Persian Gulf, as it was initially envisioned. Experts had identified the entry into force of the JCPOA as an opportunity for the Persian Gulf countries to establish such zone[148]. Finally, the establishment of a sub-regional WMD Free Zone could serve as a catalyst for other countries to join the endeavour and expand incrementally into a WMD Free Zone in the Middle East.

8. Conclusion

The WMDFZ in the Middle East proposal is nearing its fiftieth anniversary, highlighting the enormous regional complexities that have hitherto impeded its establishment. Whilst the November Conference process is the latest effort to reinvigorate its prospects for success, the European Union should be aware that military and diplomatic obstacles still persist in the Middle East. Indeed, unexpected developments could transform the regional security environment and create a set of conditions more conducive to signing a legal agreement. *Ceteris Paribus*, the EU should work consistently and constructively to institutionalise inter-state cooperation in the Middle East, hoping that in the long run WMD disarmament will become more realistic. Nonetheless, it is important that the EU raises its profile and conveys an unequivocal message that the Zone issue features prominently in the EU non-proliferation and disarmament agenda. Alternatively, Arab States and Iran might become even more disenchanted with the grand bargain struck in the 1995 NPT RevCon and roll back their nuclear non-proliferation commitments.

[145] Joy Nasr and Ali Ahmad, "Middle East Nuclear Energy Monitor…", *cit.*
[146] *Ibid*, p. 21.
[147] *Ibid,* p. 12.
[148] Nursin Ateşoğlu Guney and Visne Korkmaz, "The Idea of Nuclear Dominoes…", p. 78, cit.